IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.611 OF 2005

President/Hon.SEcretary, Mumbai
Pradesh Arya Sabha & Anr. ...Petitioners.

Vs.

Shri Prakash Ganpat Mode & ors. ...Respondents.

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Mr.A.Y.Sakhare, Senior Advocate with Ms.Anupama Shah for the Petitioners.

Mr.Shaikh Nsir Masih for Respondent No.1.

Mr.L.Satelkar, AGp for Respondent Nos.2 and 3.

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CORAM : DR.D.Y.CHANDRACHUD, J.

March 9, 2005.

P.C. :

After the Petition has been heard, Learned Counsel appearing for the Petitioners and for the First Respondent are agreed that the following order may be passed by consent, in substitution of the impugned order dated 14th February 2005 of the Presiding Officer of the School Tribunal without

any further reasons being recorded:

(1) The First Respondent shall, without prejudice to the rights and contentions of the parties, be paid an amount equivalent to the subsistence allowance in accordance with law, during the pendency of the appeal before the School Tribunal;

(2) In view of the judgment of a Learned Single Judge of this Court in **Adarsh Vidya Mandir Trust vs. Awadesh Narayan Komal Singh**, 2005(1) Bom.C.R. 786, it would be open to the Petitioners to apply before the School Tribunal for leading evidence to substantiate the charge of misconduct against the First Respondent. In the event that such an application is made, the School Tribunal shall deal with such application in accordance with law;

(3) The School Tribunal shall expedite the disposal of the main appeal and endeavour to do so on or before 31st July 2005.

(4) In view of the aforesaid arrangement, the impugned order dated 14th February 2005 is quashed and set aside.

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